Convention on the Rights of Persons with Disabilities

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Committee on the Rights of Persons with Disabilities

List of issues in relation to the initial report of Vanuatu*

A. Purpose and general obligations (arts. 1–4)

1. Please indicate the extent to which persons with disabilities, through their representative organizations, are involved in legislative and policy decision-making processes and explain the measures taken by the State party to:

(a) Domesticate the Convention into national legislation, particularly taking into consideration the recommendations of the 2016 legislative review by the Ministry of Justice;

(b) Establish the National Disability Council as provided for in the National Disability Policy and Action Plan 2008–2015.

2. Please indicate the measures taken to ratify the Optional Protocol to the Convention and to adopt a new National Disability Policy and Action Plan reflecting both the Convention and its Optional Protocol.

B. Specific rights (arts. 5–30)

Equality and non-discrimination (art. 5)

3. Please elaborate on the measures taken to:

(a) Include disability among the prohibited grounds of discrimination in the Constitution and other legislation, and to remove terminology that is not in line with the Convention from existing laws;

(b) Ensure that the anti-discriminatory framework encompasses all forms of discrimination on the basis of disability, including the denial of reasonable accommodation and discrimination by association;

(c) Raise awareness about legal protections against discrimination among persons with disabilities and their representative organizations.

Women with disabilities (art. 6)

4. Please explain how the Family Protection Act and the Vanuatu Gender Equality Policy 2015–2019 contribute to the effective fulfilment of the rights of women and girls with disabilities, in particular their rights to access health services. Please also explain the impact of the National Disability Policy and Action Plan 2008–2015 on the lives of women and girls with disabilities.

* Adopted by the pre-sessional working group at its tenth session (24–27 September 2018).

Children with disabilities (art. 7)

5. Please elaborate on the measures taken to collect accurate and disaggregated data on children with disabilities.

6. Please elaborate on the outcome of the implementation of the Vanuatu National Children's Policy 200 –2011 on the "promotion, early detection and assistance of children with disabilities" (para. 179),[1] and indicate how this approach is in line with the Convention. Please describe the measures adopted to ensure that the best interests of children with disabilities and the need to respect their evolving capacities are duly considered in mainstream policies, strategies and programmes on the rights of the child.

7. Please describe the specific mechanisms and channels available to children with disabilities for expressing their views on all matters affecting them, with details of measures taken to ensure that their views are taken into consideration.

Awareness-raising (art. 8)

8. Please indicate whether persons with disabilities, through their representative organizations, are systematically included in public campaigns that the State party conducts on the rights of persons with disabilities. Please elaborate on the measures taken with persons with disabilities to foster respect for their rights and dignity according to the human rights model of disability.

9. Please outline any measures targeted at civil servants and private actors to combat stigma, stereotypes, prejudices, harmful practices, deep-rooted cultural beliefs, negative attitudes, bullying, hate crimes and discriminatory language against persons with disabilities, including those based on gender and age, in all areas of life.

Accessibility (art. 9)

10. Please provide information on:

(a) Measures taken to implement the National Building Code of 2013, with the inclusion of guidelines on disability access, and on measures taken to enforce relevant accessibility standards, including budget allocation and intermediate benchmarks to monitor progress;

(b) Legal, policy and administrative measures, including budget allocations, to remove both physical and informational barriers faced by persons with disabilities in accessing public places and services, including roads, buildings, transport and schools, and to improve access to transport across all parts of the State party for persons with disabilities;

(c) The impact of the Information and Communication Technology policy of 2012, describing in particular whether it has improved access to information and technology for persons with disabilities through access to computers, Braille and the use of telecommunications and teaching aids to support students with disabilities.

Situations of risk and humanitarian emergencies (art. 11)

11. Please explain:

(a) How persons with disabilities are included in decision-making and preparatory processes in disaster risk reduction efforts at the national and community levels;

(b) How the accessibility requirements of persons with different types of impairments, especially those who require more intensive support, are considered in situations of risk, and how they can access information on warnings and evacuation;

(c) The measures in place to ensure that persons with disabilities are not separated from their assistive devices during evacuation processes.

[1] Unless otherwise indicated, paragraph numbers refer to the initial report of the State party (CRPD/C/VUT/1).

12. Please explain the measures taken to ensure that, following cyclones, persons with disabilities, particularly women with disabilities, have access to accessible evacuation shelters and facilities including toilets, and to accessible information sessions and legal and other assistance. Please also explain whether there are any plans to make evacuation centres fully accessible to persons with disabilities so as to avoid their separation from their families.

Equal recognition before the law (art. 12)

13. Please describe and explain:

(a) Measures taken to repeal legislation that restricts the full legal capacity of persons with disabilities on the basis of impairment;

(b) Measures taken to replace decision-making models with supported decision-making regimes;

(c) The steps taken to ensure adequate awareness regarding supported decision-making processes. Please indicate whether organizations of persons with disabilities are involved in the process or in the revision of relevant legislation;

(d) Measures taken to ensure reasonable accommodation provisions in court proceedings, particularly for persons with intellectual disabilities.

Access to justice (art. 13)

14. Please provide information on the measures taken by the State party to:

(a) Develop a national action plan with clear objectives and measurable targets on the effective access of persons with disabilities to the justice system;

(b) Raise awareness among persons with disabilities about their right to access justice, and to ensure that persons with disabilities — particularly those with scarce economic resources — have access to legal aid, including free counselling and legal aid from the Public Solicitors Office (para. 89), on an equal basis with others;

(c) Ensure the provision of reasonable accommodation — including physical access to buildings, alternative means of communication, procedural accommodation and access to trained assistants — throughout legal processes so as to ensure the effective participation of all persons with disabilities in the justice system, whether as victims, perpetrators, witnesses or jury members.

15. Please provide information on the outcome of the regional human rights training and awareness programmes for prison officers provided by the Attorney General's Office (para. 94), particularly regarding the rights of persons with disabilities to justice and to a fair trial, and mention whether the State party conducted any such training programmes for lawyers, magistrates, judges, sign language interpreters or the police.

Liberty and security of the person (art. 14)

16. Please provide information on the measures taken to:

(a) Repeal any legislation, including mental health laws, and eradicate policies and practices allowing for the deprivation of liberty of persons with disabilities on the basis of actual or perceived impairments or on the basis of presumed dangerousness to oneself or to third parties, particularly persons with psychosocial or intellectual disabilities;

(b) Ensure that persons with psychosocial or intellectual disabilities are not subject to arbitrary treatment, including confinement.

Freedom from exploitation, violence and abuse (art. 16)

17. Please provide detailed information about the measures in place or measures that are foreseen to ensure the effective protection of women and girls with disabilities from violence and abuse. Please include information on measures to abolish the traditional practice of village chiefs addressing the sexual abuse of women and girls with disabilities

through reconciliation ceremonies, which reportedly often results in offenders only having to pay a fine.

18. Please explain the measures taken to:

(a) Combat violence against persons with disabilities, including domestic violence and corporal punishment in home and institutions;

(b) Specifically include a disability perspective in the development of legislation such as the Family Protection Act and the gender policy;

(c) Establish monitoring mechanisms and reporting channels to report instances of violence and abuse of persons with disabilities.

19. Please describe the measures being taken to establish monitoring mechanisms in line with article 16 (3) of the Convention to protect persons with disabilities from exploitation, violence and abuse.

Protecting the integrity of the person (art. 17)

20. Please describe the measures in place to ensure independent or supported decision-making by persons with intellectual or psychosocial disabilities with respect to consent, free will and preferences regarding medical procedures.

Liberty of movement and nationality (art. 18)

21. Please provide information on:

(a) Plans to revise the Immigration Act 2010, particularly those provisions that allow the authorities to order the removal from the State party of a non-citizen believed to be "suffering from ... a mental condition";

(b) The number of persons with disabilities who are not registered at birth, and measures to ensure their registration.

Living independently and being included in the community (art. 19)

22. Please indicate the measures taken by the State party to ensure that persons with disabilities are able to live independently in the community, including the provision of resources to support persons with disabilities in the community. Please specify the measures taken to remove barriers to accessing community services and facilities including hospitals, places of worship and parks, and to remove barriers to participating in sporting and cultural activities and other social gatherings.

Freedom of expression and opinion, and access to information (art. 21)

23. Please explain the measures taken to recognize sign language and to promote sign language training for interpreters, and to increase the use of other accessible formats of communication, including Braille and Easy Read, and indicate whether the State party plans to allocate adequate financial and technical resources to these measures.

Respect for home and the family (art. 23)

24. Please outline the plans made and measures taken to:

(a) Remove discriminatory provisions based on disability from the legislation relating to marriage and family, especially sections 1 and 2 of the Matrimonial Causes Act 1986;

(b) Support persons with disabilities and their families and provide persons with disabilities with information related to family life and parenthood, including guidance to help with decisions on the number of children they want to have (para. 121);

(c) Eliminate the practice of placing the children of parents with disabilities, particularly those who require more intensive support, with their relatives.

Education (art. 24)

25. Please inform the Committee about the measures taken to:

(a) Ensure that the implementation of the Inclusive Education Policy and Strategic Plan 2010–2020 gives all children with disabilities access to inclusive education in line with the Convention. Please outline other initiatives taken to effectively implement an inclusive education system;

(b) Address negative attitudes and stigma in school and ensure that children with disabilities are not subjected to harassment and drop out of school as a result;

(c) Facilitate access to alternative means of communication, peer support, mentoring and assistive devices;

(d) Train education personnel to implement inclusive education and the outcomes of the Education and Training Sector Strategy (2006–2016) (para. 129), and to provide awareness raising for students, education personnel and parents on the rights of children with disabilities to fully participate in school;

(e) Address the specific accessibility requirements of women and girls with disabilities in educational settings.

Health (art. 25)

26. Please provide information on the measures in place to ensure that persons with disabilities have access to affordable, accessible, high-quality and culturally sensitive health services, including sexual and reproductive health services, whether in private or public settings. Please explain the measures taken to ensure the physical accessibility of and communications with health centres by persons with disabilities, and provide information about awareness programmes for medical practitioners on the rights of persons with disabilities to health care.

27. Please provide information on the progress being made in drafting a new Mental Health Act (para. 140) and measures to ensure the act is in line with the Convention.

Habilitation and rehabilitation (art. 26)

28. Please provide information on the impact of the Community Based Rehabilitation Action Plan (2014–2024) in providing health and rehabilitative services to persons with disabilities in their homes (paras. 108 and 148), including in rural areas.

Work and employment (art. 27)

29. Please inform the Committee about the measures taken to:

(a) Recognize by law the right of persons with disabilities to work in the open labour market on an equal basis with others, particularly their right to freely choose work and self-employment;

(b) Revise the current Employment Act (2006, as amended) to promote the employment of persons with disabilities in the public service;

(c) Increase job opportunities for persons with disabilities, regardless of their education level;

(d) Ensure that accessibility is specifically provided for women with disabilities in the workplace.

30. Please provide information on the work of persons with disabilities in the informal economy, and on the measures taken to enable their free transition from the informal economy to the formal economy.

Adequate standard of living and social protection (art. 28)

31. Please provide information on measures taken to:

(a) Promote an adequate standard of living and access to social protection for persons with disabilities, including measures to combat the concept of social protection that relies on family and cultural ties;

(b) Ensure that persons with disabilities can access social protection and poverty reduction programmes that are gender and age appropriate and that cover disability-related extra costs, particularly in rural areas.

Participation in political and public life (art. 29)

32. Please provide information on the progress made to amend Schedule 4 ("Rules for voting by proxy") to the Representation of the Peoples Act, which restricts the rights of persons with intellectual or psychosocial disabilities (para. 161). Please explain the measures taken to ensure the right of all persons with disabilities to vote by secret ballot, whether on their own or assisted by a person of their choice, and with full respect for their free expression of will.

33. Please describe the measures taken to promote and encourage the meaningful participation of all persons with disabilities, particularly women with disabilities, in decision-making processes at all levels of public affairs, and explain measures taken to ensure that such processes are inclusive and accessible, including through the provision of information in Easy Read format.

Participation in cultural life, recreation, leisure and sport (art. 30)

34. Please explain the measures taken to:

(a) Assess the impact of inclusive sports provision in the National Sports Policy 2007–2011 in increasing the involvement of persons with disabilities in sporting activities;

(b) Ensure that persons with disabilities participate in cultural activities, develop their artistic potential and participate on an equal basis with others in recreational and leisure activities;

(c) Ensure that intellectual property laws do not represent barriers for persons with disabilities in accessing cultural materials, and outline any plans to ratify the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled.

C. Specific obligations (arts. 31–33)

Statistics and data collection (art. 31)

35. Please provide information on measures taken to:

(a) Gather statistics and improve data-collection processes on the rights of persons with disabilities disaggregated by sex, age, disability, geographic location and other characteristics relevant in the national context, taking into account the human rights-based model of disability and the Washington Group Short Set of Questions on Disability and with the full and meaningful participation of representative organizations of persons with disabilities;

(b) Ensure that the Disability Desk and the National Statistics Office coordinate data collection effectively between all entities.

International cooperation (art. 32)

36. Please explain the extent to which persons with disabilities and their representative organizations are engaged in international cooperation agreements, projects and programmes that directly affect them, particularly those related to the implementation of the 2030 Agenda for Sustainable Development.

National implementation and monitoring (art. 33)

37. Please provide information on:

(a) How the Ministry of Justice and Community Services, as the coordinating mechanism for the Convention, provides advice on disability-inclusive development policies and activities (paras. 200 and 201). Please highlight the major outcomes of the Ministry's work;

(b) The measures taken to establish an independent monitoring mechanism in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles);

(c) Plans to ensure the full participation of persons with disabilities, through their representative organizations, in the monitoring process.